

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

INSTRUCTIONS RELATIVE TO DETERMINATION
OF PERFORMANCE UNDER THE PROVISIONS OF
THE 1940 SUGAR BEET PROGRAM
(For Use by County Committees)

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PART I. GENERAL INSTRUCTIONS

The instructions set forth herein and in SRB-403A, "Instructions for Checking and Reporting Performance," under the 1940 Agricultural Conservation Program in the Southern Region will be used by State and county agricultural conservation committees in determining performance under the 1940 Sugar Beet Program. In counties where sugar beets are planted in 1940, performance reporters (hereinafter referred to as reporters) and persons employed in the county office who will assist in carrying out the 1940 Sugar Beet Program must become thoroughly familiar with the provisions of such program as outlined in determinations and other instructions.

The terms "farming unit" and "tract" as used in connection with the 1940 Sugar Beet Program must be clearly understood. A FARMING UNIT means all farm land which is farmed by an operator as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land. A TRACT means any portion of a farming unit on which a crop of sugar beets is planted for harvest in 1940 in which at least one producer has a different interest from that which he has in the sugar beet crop on any other such portion of the farming unit.

The reporters who determine performance with respect to the 1940 Agricultural Conservation Program will also determine performance under the



1940 Sugar Beet Program. Performance with respect to the sugar beet program should be determined at the same time performance is determined in connection with the agricultural conservation program.

A list of the growers on whose farming units a determination of performance is necessary will be furnished by the State committee.

Form SB-402, Farming Unit Report, will be used to record data with respect to performance under the 1940 Sugar Beet Program. Such form will be prepared in part by the reporter and in part in the county office.

PART II. FIRST INSPECTION OF FARMING UNIT.

A. General

The reporter will be supplied with forms SB-402 for all farming units and with the enlargements, or maps for the farming units prepared under a previous program. If an enlargement or map is not available, the reporter shall draw a sketch map on the back of form SB-402.

The data indicated in the upper right corner and in Section I of form SB-402 shall be entered in the county office prior to the inspection.

The reporter shall make and record all measurements which are necessary in order that the acreage of sugar beets may be computed in the county office, after deducting for fence rows, turn rows, permanent irrigation ditches, and other permanent features and waste areas within the field which have not been planted to sugar beets. Areas which are to be excluded must be designated on the map and such measurements made and recorded as are necessary to compute the exclusions.

If a field on which an approved farming practice has been carried out has not been indicated on the map, the reporter shall draw in the boundaries of such field on the map.

Where it is necessary to prepare a sketch map of the farming unit on the back of form SB-402, such map need not be drawn to scale, but shall show linear and angular measurements of the fields on which sugar beets are planted, the relative size and location of fields and the field numbers assigned to all fields on which sugar beets are planted or on which approved farming practices are carried out. In the preparation of the map, solid lines shall be used to designate field boundaries and broken lines to designate dividing lines.

B. Preparation of Form SB-402, Farming Unit Report.

Entries to be Made in County Office. Before the reporter visits the farming unit, a clerk in the county office shall make the following entries on form SB-402:

1. The enlargement number(s).
2. Enter "Rocky Ford" in the space for the name of the beet sugar factory.

3. The name and address of the operator of the farming unit.
4. The location or legal description of the farming unit.

Section II. The reporter will enter in column (a) the serial number(s) of the work sheet(s) covering the land on which sugar beets are planted. The names and addresses of all persons who share in the sugar beet crop shall be entered in columns (f) and (g) and the percentage shares to which the producers are entitled, as shown in the leases or operating agreements, shall be entered in column (h). If any person is entitled to a share in the sugar beet crop on more than one tract as defined herein, such person's name shall be entered on a separate line for each tract. For example, if an operator rents from two landlords the land on which sugar beets were planted in 1940, his name shall be entered on two lines. In such case, the farm number for each tract shall be entered twice: once on the line opposite the operator's name and once opposite the landlord's name.

Enter in column (b) the field numbers of the fields planted to sugar beets in 1940. In assigning field numbers, separate numbers shall be used for fields harvested and fields abandoned. All field numbers for one tract shall be entered on the same line, and if more than one person is entitled to a share of the sugar beets on a tract, the field numbers shall be repeated on the line opposite the name of each such person.

After field numbers have been entered in column (b), the reporter shall enter in column (c) his estimate of the acreage included in each field of sugar beets. Such estimate shall be made after discussing the matter with the operator or his representative. If more than one field number appears on the same line in column (b), a separate estimate shall be made for each field and such estimates entered in column (c), separated by commas, in the same order as the field numbers appear in column (b). However, if the same field number appears opposite the names of more than one person, acreage estimates for such fields shall be entered only once in column (c), preferably on the line opposite the name of the operator. If the acreage in a field has been computed from previous measurements and is known to the reporter, he shall enter such known acreage in column (c) instead of an estimate. He shall not report any sugar beet acreage planted for livestock feed or for any purpose other than the production of sugar.

The reporter will make no entries in columns (d) and (e).

If, at the time the reporter makes the first inspection of the farming unit, the operator reports that there has been an acreage of sugar beets abandoned, the reporter shall determine the field or fields which have been abandoned, make and record the necessary measurements, enter the appropriate field numbers in the spaces provided beneath the table in Section II, and enter the cause of such abandonment in the next succeeding space. All causes

of abandonment must be entered, even though the cause may have been negligence on the part of the producer. (The reporter shall ask the operator to notify the county office of any abandonment of sugar beet acreage after the first inspection.)

Section III. The reporter must be familiar with the requirements of the program relative to approved farming practices which must be carried out on a farming unit as a condition of payment. To meet such requirement, at least one acre of an approved farming practice must have been carried out on the farming unit for each acre of sugar beets planted for harvest on such farming unit in 1940 for the extraction of sugar except that in connection with sugar beet acreage on rented land which would otherwise be part of another farming unit, not in excess of 75% of such requirement may consist of practices carried out on the balance of such other farming unit.

The farming practices for which credit will be given are listed in Section III of SB-402. Such practices must have been carried out on land adapted to sugar beet production. In determining whether acreage on which the above practices are carried out may be considered as acreage adapted to sugar beet production, the reporter shall take into consideration the cropping history of such acreage, the availability of water, topography, and the type of soil.

The reporter should list in Section III all approved farming practices carried out on the farming unit even though they exceed the requirements of the program with respect to the planted sugar beet acreage.

Separate spaces have been provided for listing data with respect to the various practices which may be used to qualify a farming unit for a sugar beet payment. The reporter shall enter the names of crops, field numbers, farm serial numbers, and the indicated data with respect to application of animal manure and commercial fertilizer. The item 5(a), if two or more kinds of animals are kept on a farming unit, the data with respect to each kind shall be entered on corresponding lines. Care should be taken to avoid duplication in reporting the application of animal manure. For example, if manure applied to a farming unit was produced by livestock kept on the farming unit, entries shall be made in the spaces in item 5(a). If manure is purchased for application on the farming unit, the entry shall be made in item 5(b). The reporter must make certain that there is reported in item 5(a) only such livestock as are pastured on land adapted to the production of sugar beets or that the manure from such animals is spread on land adapted to the production of sugar beets.

The reporter will make no entries in columns (b) and (e) of Section III.

Section IV. If any sugar beets were planted on the farming unit on rented acreage which would otherwise be part of another farming unit, enter "Yes" in the space provided, and in the second space enter the farm serial number(s) of the "other" farming unit(s).

If the answer to the question in Section IV is "Yes", the reporter shall determine, if possible, whether the acreage of practices carried out on the farming unit and reported in Section III is sufficient to meet the requirement for the estimated acreage of sugar beets as entered in column (c) of Section II. If it is obvious that the acreage of practices is sufficient to meet the requirement, no steps need be taken to report practices carried out on the "other" farming unit, of which the rented acreage would otherwise be a part. However, if it appears that additional practices may be necessary to meet such requirement, the reporter shall determine if any sugar beets were planted on the balance of the "other" farming unit in 1940. If sugar beets were planted on the balance of the "other" farming unit, a form SB-402 shall be prepared in connection with the determination of performance on such "other" farming unit. However, if no sugar beets were planted on the balance of the "other" farming unit, Sections I and III of another form SB-402 should be prepared for the balance of the "other" farming unit and attached to the SB-402 for the farming unit on which performance is being determined.

In determining whether rented acreage included in any farming unit may be considered as rented acreage which would otherwise be part of another farming unit, the reporter shall take into consideration the existing leasing arrangements with respect to such rented acreage as well as the leasing arrangements in previous years. Acreage which is customarily rented out from year to year to different operators would not be considered as acreage which would otherwise be part of the "other" farming unit. On the other hand, if acreage which is rented is normally included in the "other" farming unit in a regular rotation practice, such rented acreage would be considered as acreage which would otherwise be part of such "other" farming unit.

Section V. When the first inspection of the farming unit is completed, the reporter should review the entries made on form SB-402 and sign and enter the date of the first inspection in the spaces provided. The operator or other authorized person from whom the reporter obtained the information also should sign.

When the inspection is completed and the information is entered on the form SB-402, the reporter shall forward such form SB-402 to the county office, together with any other pertinent information or evidence with respect thereto.

PART III. PRELIMINARY ENTRIES TO BE MADE ON FARMING UNIT REPORT.

A. General.

When the reporter has completed the first inspection of a farming unit and has forwarded form SB-402 to the county office, a clerk in the county office shall check such form to determine that all necessary data have been entered by the reporter. If form SB-402 is incomplete, such form shall be returned to the performance reporter for correction or completion

unless the omission or error is of minor importance and it is determined that an additional inspection of the farming unit is necessary, in which event such form need not be corrected or completed until further inspection is made.

Section II. The clerk in the county office shall enter the correct acreage figures in column (d), Section II at the same time deleting the estimated acreages in column (c). Only one acreage figure will be entered in column (d) on a line. If the same field number(s) appear opposite the names of more than one person, the acreage in such field(s) shall be entered only once in column (d) in order that the total of such column will not include any duplication of acreage.

No entries shall be made in column (e) until the final inspection of the farming unit is completed or until it is determined that a further inspection of such farming unit is unnecessary.

If sugar beet acreage on a farming unit is abandoned, the total acreage in the field(s) which is abandoned shall be entered in the space provided beneath the table in Section II.

In calculating the acreage planted to sugar beets on a farming unit, care should be taken to exclude any substantial waste area not planted to beets, including fence rows, turn rows, and permanent ditches in the fields. The reporter should have designated these areas on the map of the farming unit.

Acreage data determined by a sugar company representative shall not be used in Section II. However, if data determined by the sugar company are available, such data shall be compared with the acreage data determined as set forth herein. If there is a substantial difference in the acreage of sugar beets on a farming unit under the two measurements, the reporter shall be requested to remeasure the sugar beet acreage and the clerk in the county office shall calculate the acreage on the basis of such measurements for entry on form SB-402.

Section III. The clerk in the county office will enter in the appropriate spaces in column (b) the acreages of the fields identified by the field numbers in column (c).

When the correct acreage devoted to farming practices has been entered, the number of "acres credit" shall be entered in column (e) of Section III. For items 1, 2, and 4 the "acres credit" will be the actual acreage devoted to each practice. For item 3 the acres credit will be obtained by multiplying the acreage seeded to alfalfa by 2.

In many instances there will be an entry only in one of items 5(a) and 5(b). If there are entries in both 5(a) and 5(b), the reporter shall be questioned to determine that there is no duplication. If entries are made in item 5(a), the number of acres credit will be determined by multiplying the number of animals of each kind by the number of months such

animals were kept on the farming unit, dividing the resultant product by 2, 4, or 10, depending upon the kind of animals, and then dividing by 12. In the foregoing calculation, divide by 2 in the case of cattle (of more than 1 year of age) or horses or mules, by 4 in the case of calves or colts, and by 10 in the case of sheep or goats. If an entry has been made in item 5(b), the number of acres credit will be determined by dividing by 8 the total number of tons of animal manure applied.

If entries have been made in item 6, the acres credit for such practice to be entered in the space provided shall be obtained by multiplying the total amount in pounds of fertilizer applied to the 1940 sugar beet fields by the percentage of available plant food as indicated by the analysis of the fertilizer and then dividing by 75 the total weight of available plant food. For example, if it is determined that 8,000 pounds of a fertilizer of 2-16-8 analysis were applied to land on which sugar beets are planted in 1940, the "acres credit" would be 27.7, obtained by multiplying 8,000 by 26% and dividing by 75.

If there is insufficient space in items 1 to 6, inclusive, to list all practices carried out on the farming unit, the description of such practices shall be entered in lines 7 and 8.

Enter in line 9, column (e), the total of the "acres credit" for all practices carried out on the farming unit for which data are entered in Section III.

B. Summary of Approved Farming Practices. When Section III of form SB-402 has been completed, the clerk in the county office shall determine whether sufficient approved farming practices have been carried out to meet the requirement. If the entry in line 9, column (e), Section III of form SB-402 equals or exceeds the total of column (d), Section II of such form, the farming practice requirement will be deemed to have been met with respect to the farming unit covered by such form. If the entry in line 9, column (e), Section III is less than the total of column (d), Section II, and if the answer to the question in Section IV, form SB-402 is "No", the farming practice requirement will be deemed not to have been met, unless a further inspection of the farming unit reveals that additional practices have been carried out.

If the entry in line 9, column (e) Section III of form SB-402 is less than the total of column (d), Section II of such form and if the answer to the question in Section IV, of such form SB-402 is "Yes", the determination as to whether the farming practice requirement has been met shall be made as follows:

- (a) Determine from the form SB-402 prepared for the other farming unit, the acreage of approved farming practices carried out on such other farming unit in excess of any sugar beet acreage on the farming unit.

- (b) Determine the smaller of the amount obtained under (a) and 75% of the sugar beet acreage on the rented land which would otherwise be part of the other farming unit.
- (c) If the smaller of the amounts determined under (b) plus the entry in line 9, column (e), Section III of the form SB-402 under consideration equals or exceeds the total of column (d), Section II of such form, the farming practice requirement with respect to the farming unit will be deemed to have been met.

ASSIGNMENT OF SERIAL NUMBERS. After forms SB-402 have been prepared for all farming units in the county, such forms shall be arranged in alphabetical order and serial numbers assigned in a consecutive series beginning with 1.

PART IV. SECOND INSPECTION OF FARMING UNIT

If it is determined that: (a) an error was made in measurement of sugar beet acreage on a farming unit; or (b) sugar beet acreage on a farming unit is abandoned subsequent to the first inspection of such farming unit; or (c) the farming practices with respect to a farming unit are not sufficient to meet the requirement; it will be necessary for the reporter to make a second inspection.

When making the second inspection, the reporter shall take with him the enlargement or tracing of the map, and the form SB-402 which he prepared during his first inspection of the farming unit.

If sugar beet acreage is abandoned subsequent to the first inspection of the farming unit the reporter shall enter appropriate data (including reasons for abandonment) with respect to such acreage in the space beneath the table in Section II.

To supplement reports from operators with respect to abandonment of sugar beet acreage, the county office should contact the field men of the sugar company to determine the farming units on which sugar beet acreage has been abandoned since the first inspection, and the reporter shall make a second inspection of such farming units. The reporter shall also make a second inspection of farming units in any area where there is reason to believe there may have been some unreported abandoned sugar beet acreage.

If the "acreage" of approved farming practices which has been listed is insufficient to meet the requirement, the reporter shall determine whether any additional approved farming practices have been carried out subsequent to the first inspection. If so, such practices shall be listed in Section III of form SB-402 in the manner outlined in Part II of these instructions.

When the reporter has completed the second inspection of the farming unit and has reviewed the data which he has entered on form SB-402, he shall sign and enter the date of the second inspection in the spaces provided in Section V of the form. The operator or his representative should also sign.

PART V. COMPLETION OF FARMING UNIT REPORT.

When the reporter has completed the second or subsequent inspection of a farming unit and has forwarded form SB-402 to the county office, clerks in the county office shall complete such form.

If acreage on the farming unit is abandoned subsequent to the first inspection, information with respect to such abandonment should appear beneath the table in Section II. The clerk in the county office should make such calculations as are necessary from the measurements taken by the reporter to determine the exact acreage abandoned and shall enter such acreage figure in the space provided beneath such table.

When it is determined that no further inspection of the farming unit is necessary, entries shall be made in column (e), Section II, and such column shall be totaled. In no event shall the total of column (e) plus the total abandoned acreage, as indicated in the space provided beneath such table, exceed the total of column (d).

If additional approved farming practices have been carried out on the farming unit and have been reported in Section III of form SB-402, the acres credit for such practices shall be entered in column (e) of Section II, a new total shall be inserted in line 9, column (e), and farming practices shall be summarized in the manner outlined in Part III of these instructions.

PART VI. DETERMINATION OF PERFORMANCE WITH RESPECT TO LABOR CONDITIONS

A more detailed check of performance will be made with respect to the child labor and minimum wage conditions of the Sugar Act under the 1940 sugar beet program than under previous programs carried out pursuant to such Act. As a first step in this direction, growers and laborers should be reminded of the child labor and minimum wage conditions. The county committee should mail the following letter to every sugar beet grower on its mailing list:

To Sugar Beet Growers and Laborers:

This letter is being mailed to all sugar beet growers, but the information is for both growers and laborers. After familiarizing themselves with the contents of this letter, growers are requested to pass it on to their sugar beet laborers, or in the event the laborers are unable to read, some other means should be used to acquaint them with its contents.

A close check of performance with respect to the labor provisions of the Sugar Act will be made in connection with the 1940 sugar program.

One of the conditions for payments to sugar beet growers is that, excepting a child of a producer who owns at least 40 percent of the crop, no child under 14 years of age may be employed or permitted to work in the production of the sugar beet crop, and that no child between the ages of 14 and 16 years may be employed or permitted to work for a longer period than eight hours in any one day.

From time to time during the current crop year representatives of this office will visit farms in this county. If at any time any child is found working in the production of the sugar beet crop contrary to the foregoing provisions, the producer will be ineligible to receive a sugar beet payment.

As a precaution against the employment of children in violation of the foregoing provision, growers should require any laborer who might be under the required age to furnish proof of his age. Such proof should be in the form of an age certificate issued under any child labor program carried out under State supervision, a transcript of a birth certificate, or a baptismal certificate showing the date of birth, or if none of such proofs is available, other satisfactory documentary evidence showing the age of the laborer (such as a passport, an insurance policy, or a bible record) may be accepted.

Another condition for payment under the Act is that all persons employed in the production of the sugar beet crop must be paid in full and at rates not less than those determined by the Secretary of Agriculture to be fair and reasonable. The minimum rates which must be paid laborers for the so-called contract operations for the 1940 crop in order to be eligible for a payment, are as follows:

Blocking and thinning, \$8.00 per acre.
First hoeing, \$2.50 per acre.
Second and each subsequent hoeing or weeding,
\$1.50 per acre.
Topping, 80¢ for each ton up to and including
12 tons per acre plus 70¢ for each ton per
acre above 12 tons.

For operations such as cultivating and irrigating and any other operations not specified above, rates not less than those agreed upon with the laborers must be paid.

If a laborer does not receive payment at the fair and reasonable wage rates established, or at whatever higher rates may have been agreed upon, he should file in the county agricultural conservation office two copies of form SB-403, "Sugar Beet Wage Claim - 1940 Crop," giving full details with respect to the work he performed and the wages received. Copies of

this form may be obtained at the county office and a representative of the county committee will furnish whatever assistance may be needed in filling out the form.

If any laborer or grower desires further information regarding the labor provisions of the sugar beet program, he should write or call at this office.

County Agricultural
Conservation Association.

By _____, Chairman

During his visit to a farming unit, the reporter should call the attention of the operator to the labor provisions, and if he visits a farm during a time when hand labor operations are being performed, he should acquaint the laborers with such provisions. If a violation of the child labor provision is observed, such violation should be reported to the county committee. In such cases an application for payment with respect to the farming unit shall not be prepared, and the operator should be notified accordingly. If a violation of the "minimum" wage provision is observed, it must be reported to the committee, who shall withhold certification of an application for payment until it is determined that all laborers who worked on the sugar beet crop have been paid in full at not less than the "fair and reasonable" rates established by the Secretary.

PART VII. HANDLING OF SUGAR BEET WAGE CLAIMS

Any claim for unpaid wages for work performed in connection with the production, cultivation, or harvesting of the 1940 sugar beet crop should be filed in the county office in duplicate on form SB-403, "Sugar Beet Wage Claim - 1940 Crop". If a laborer appears at the office to file such a claim, a member of the county committee or other person in the county office should assist in the preparation of the form. Full information on the details of the employment should be furnished on form SB-403.

When a wage claim is filed against a producer, all action to complete payment to such producer shall be withheld until the claim is settled.

As soon as a wage claim is filed in the county office, the producer against whom such claim is filed shall be notified of the representations made by the laborer. If such producer agrees that the claim is valid and pays the laborer the amount claimed, the "Release of Claim" on form SB-403 shall be executed by the laborer.

If the producer against whom a wage claim is filed disputes the representations of the laborer, an investigation shall be made by the county committee, and if it is deemed advisable, the investigation should include the holding of a hearing at which both the producer and laborer should be present.

Form SB-404, "Record of Disputed Sugar Beet Wage Claim - 1940 Crop," shall be completed in duplicate by the county committee on the basis of information obtained through the investigation. The committee shall determine the facts involved and make a recommendation as to settlement of the claim, based on such facts.

If the recommended settlement by the county committee is accepted by both parties, the "Acceptance by Laborer and Producer" on form SB-404 should be executed. If it is determined that no additional wages are due the laborer or if the grower pays any additional wages which are determined to be due the laborer, the "Release of Claim" at the foot of SB-403 should be executed by such laborer.

If either the grower or the laborer is unwilling to accept the determination of facts and recommended settlement by the county committee, the originals of forms SB-403 and SB-404, together with all other information and evidence available with respect to the claim, should be forwarded to the State committee. The copies of such forms should be retained in the county office. If, after investigation by a representative of the State committee, a settlement still cannot be reached, the claim may then be appealed to the Secretary of Agriculture for final settlement.

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